

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/526,697

Confirmation No. 9619

Applicant: Mark E. DUDLEY et al.

Filed: May 5, 2005

TC/AU: 1644

Examiner: Michail A. Belyavskyi

Docket No.: 233876 (DHHS Reference No. E-275-2002/1-US-02)

Customer No.: 45733

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed December 17, 2008, rejecting the following claims: 23-40.

1. Pre-Appeal Brief Request for Review

A "Pre-Appeal Brief Request for Review" is

☒ filed concurrently herewith or ☐ is not being filed.

2. Status of Applicants

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

3. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:

☒ other than a small entity or ☐ a small entity.

Notice of Appeal Fee due \$540.00

4. **Extension of Time**

- ☒ Applicants petition for a two-month extension of time under 37 CFR 1.136, the fee for which is \$490.00.
- ☐ An extension for one-month has already been secured and the fee paid therefore of \$ 0.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$490.00

5. **Total Fee Due**

The total fee due is:

Notice of Appeal Fee	\$540.00
Extension Fee (if any)	\$490.00

Total Fee Due: \$1030.00

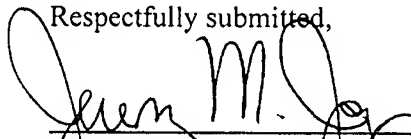
6. **Fee Payment**

- ☐ Attached is a check in the sum of
- ☒ Charge Account No. 12-1216 the sum of \$1030.00.

7. **Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216.

Respectfully submitted,



Jeremy M. Jay, Reg. No. 36587
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Date: 14 May 2009

Appeal Notice (JM/J/SML/mlg)